

AFFIDAVIT

I, Matthew J. Riportella, do under oath depose a state:

I. INTRODUCTION

Agent Background

1. I am a Special Agent of the Federal Bureau of Investigation (“FBI”). I have been employed by the FBI since June 2012. I am currently assigned to the FBI Boston Division’s Providence Rhode Island Complex Financial Crimes Task Force (“PRICFCTF”), which is comprised of law enforcement officers from the FBI, Rhode Island State Police (“RISP”), and other federal law enforcement agencies. As a member of the PRICFCTF, I am responsible for investigating white collar crimes in Rhode Island. Previously, I was assigned to the Boston Divisions’ Organized Crime Task Force. My assignment was to investigate crimes committed by members of criminal enterprises. I have experience in reviewing toll records, pen register/ trap & trace records, historical and live cell site records and Title III records to investigate these criminal enterprises. I have experience investigating illegal gambling, narcotics, extortion, money laundering, kidnapping, wire fraud, mail fraud and other federal crimes. My investigations have included the use of surveillance techniques, and the execution of search, seizure, and arrest warrants.

Purpose

2. This Affidavit¹ is submitted in support of Applications for Arrest Warrants and Criminal Complaints charging:

- a. ALLEN BIEN-AIME, DOB XX/XX/1991,² of XXXX 40th St. W
Lehigh Acres, FL (“BIEN-AIME”);

¹ The facts set forth in the Affidavit are based on my personal observations, my training and experience, information obtained from other agents, witnesses, and records obtained during the course of the investigation. Because I submit this Affidavit for the limited purpose of showing probable cause, I have not included each and every fact that I have learned in this investigation. Rather, I have set forth only facts sufficient to establish probable cause to issue an arrest warrant for the individuals identified. Finally, all dates and times referenced throughout the Affidavit are approximate.

² In anticipation that this Affidavit will be unsealed at a later date, and, in accordance with Fed. R. Cr. P. 49.1, PII has been redacted and initials, not full names of the identify theft victims have been listed.

b. TONY MERTILE, DOB XX/XX/1991, of XXXX SW 18th Street, Miramar, FL³ ("TONY MERTILE");

c. JUNIOR MERTILE, Date of Birth ("DOB") XX/XX/1989, of XXX SW 143rd Ave. Unit 2105, Pembroke Pines, FL ("JUNIOR MERTILE"); and

d. JAMES LEGERME, DOB XX/XX/1991, XXXX NW 99th Terrace, Sunrise, FL ("LEGERME"),⁴ XXXX NW 99th Terrace, Sunrise, FL, with violations of 18 U.S.C. § 1344 [Bank Fraud], 18 U.S.C. § 1343 [Fraud by Wire], 18 U.S.C. § 1349 [Conspiracy to Commit Bank Fraud and Wire Fraud], 18 U.S.C. § 1029 [Access Device Fraud], 18 U.S.C. § 1956 [Money Laundering], 18 U.S.C. § 1956(h) [Conspiracy to Commit Money Laundering], 18 U.S.C. § 1028A [Aggravated Identity Theft], 18 U.S.C. § 641 [Theft of Public Money], and 18 U.S.C. § 371 [Conspiracy to Commit Theft of Public Money, Conspiracy to Commit Access Device Fraud, and Conspiracy to Commit Aggravated Identity Theft] ("Specified Federal Offenses").

II. PROBABLE CAUSE

A. Summary of Investigation.

3. Since early April 2020, the FBI, RISP, Internal Revenue Service-Criminal Investigations ("IRS-CI"), Department of Labor-Office of Inspector General ("Labor-OIG"), and the United States Secret Service ("USSS"), with the assistance of other federal agencies, have been investigating fraudulent UI claims submitted to the Rhode Island Department of Labor & Training ("RIDLT").

4. Following passage of the CARES Act, a large number of fraudulent claims were submitted online to RIDLT for UI benefits, including for pandemic unemployment

³ TONY MERTILE's FL Driver's License lists an address of XXXXX NE 7 Ave, North Miami Beach, FL. However, based on recent surveillance and Broward County assessor records, he is believed to have moved to XXXX SW 18th Street, Miramar, FL in approximately June 2018.

⁴ LEGERME's FL Driver's license lists an address of XXXX Harbour Blvd Miramar, FL. Based on recent surveillance and Broward County assessor records, he is believed to have moved to XXXX NW 99th Terrace, Sunrise, FL in approximately May 2020.

assistance. For online applications, the RIDLT system required an applicant to enter personally identifiable information (“PII”), including name, DOB, and SSN, and to identify a bank account or prepaid debit card to which payments should be made. These claims were paid out by the State of Rhode Island via electronic Automated Clearing House (“ACH”)⁵ transfers, and/or wire transfers to the designated bank accounts and/or prepaid bank cards. Stolen PII was also used to fraudulently open bank accounts into which the payments for fraudulent claims were deposited. Some of the bank accounts into which fraudulent RIDLT UI benefit payments were deposited, also received deposits of fraudulent federal tax refunds, as well as state tax refunds that are suspected to be fraudulent. I am aware that many states nationwide have identified large numbers of fraudulent UI claims that were submitted to their respective state UI agencies, also using stolen PII, and that UI benefit payments were made on many of these fraudulent claims to bank accounts and prepaid debit cards across the country. To date, the investigation has determined that stolen PII of over 17,270 persons, including Rhode Island residents, was used to submit fraudulent applications to RIDLT.

5. Bank records from SunTrust Bank (“SunTrust”), one of the banks to which fraudulent RIDLT UI benefit payments were sent, showed that in March and April 2020, approximately \$560,000 in ACH deposits for RIDLT UI benefit payments was directed to 72 different SunTrust accounts.⁶ These 72 bank accounts were opened online in different individuals’ names, and most of the accounts listed a customer address in Florida. Although this Affidavit focuses on fraudulent banking activity in eight specific SunTrust bank accounts, based on my training and experience, and our investigation to date, I believe that all of these 72 SunTrust accounts were opened for the purpose of laundering fraud proceeds for several reasons. First, the RIDLT UI payments made to

⁵ An ACH is a computer-based, nationwide, electronic network for processing transactions between participating financial institutions. It can support both credit transfers and direct debits.

⁶ SunTrust bank is headquartered in Atlanta, Georgia with multiple bank branches and ATMs throughout the State of Florida. SunTrust does not have any branch locations in Rhode Island. The northernmost branch is in Maryland. RIDLT uses Citizens Bank to make its UI payments. Citizens Bank is headquartered in Rhode Island. There are no Citizens Bank branches in Florida.

these accounts were for RIDLT UI applicant names different than the named SunTrust account holder. Second, some of the SunTrust bank accounts received RIDLT benefit payments for multiple UI applicants, none of whom were the same person listed as the SunTrust account holder. Third, for the specific eight SunTrust accounts described herein,⁷ we have confirmed that the accounts were opened without the knowledge of the person whose PII was used to open the account. Fourth, in addition to deposits from fraudulent RIDLT UI applications, the specific eight SunTrust accounts described herein also received fraudulent federal and state tax refunds in the names of persons other than the named account holder. Fifth, the 72 SunTrust accounts listed Florida and Georgia addresses for accounts receiving benefits for persons purporting to work in Rhode Island.

6. As described herein, Allen BIEN-AIME, TONY MERTILE, JUNIOR MERTILE, and James LEGERME have been identified as persons who used debit cards to access bank accounts that appear to have been opened fraudulently using stolen PII and which were used to receive fraudulent UI benefit payments and fraudulent tax refunds. Using those bank accounts, they made ATM withdrawals of the fraud proceeds from the SunTrust bank accounts fraudulently opened in names other than their own names. In the investigation, we have also identified other bank accounts, including at Wells Fargo and Regions Bank, that appear to have been used by TONY MERTILE, JUNIOR MERTILE, and James LEGERME for the receipt of fraudulent tax refunds beginning not later than March 2020. Based on my training and experience, the investigation to date, and the information set forth herein, I believe that Allen BIEN-AIME, TONY MERTILE, JUNIOR MERTILE, and James LEGERME were working together and using banks and bank accounts, including SunTrust accounts, to receive fraudulent funds from UI fraud and tax refund fraud, to fraudulently access those bank accounts, and to withdraw fraud proceeds deposited into those accounts.

⁷ Because this Affidavit is submitted for the limited purpose of establishing probable cause, only eight of the 72 SunTrust accounts, are described in this Affidavit.

B. Background on Defendants.

7. BIEN-AIME lives in Lehigh Acres, FL, near Fort Meyers, FL, on the West Coast of Florida. Employer wages reported to the State of Florida for BIEN-AIME indicate that BIEN-AIME was employed at Amazon Fulfillment Services and RGIS, an inventory service company through March 31, 2020. Wage records show no income reported from Amazon Fulfillment Services in Q2 2020.

8. In 2012, BIEN-AIME was charged federally in the Southern District of Florida in a separate case involving unlawful possession and use of debit cards (case 1:12-cr-20806). In that case, BIEN-AMIE pled guilty to Conspiracy to Use Unauthorized Access Devices. That case involved BIEN-AIME possessing pre-paid debit cards issued in other people's names and onto which fraudulent tax refund deposits were loaded and later withdrawn by BIEN-AIME. He was sentenced to 3 years of probation and an order of restitution of \$10,327.

9. TONY MERTILE, JUNIOR MERTILE, and LEGERME all live in the East Coast of Florida, in Miramar, Pembroke Pines, and Sunrise, FL, respectively. TONY MERTILE and JUNIOR MERTILE are believed to be brothers.

10. Employer wages reported to the State of Florida for TONY MERTILE, JUNIOR MERTILE, and JAMES LEGERME indicate that none of them had any reported wages for Q1-Q4 2019 and Q1-Q2 2020.

11. LEGERME was arrested in February 2013 by the North Miami Beach Police Department and charged with Grand Theft, 3rd Degree and Use and Possession of an Identification of Another. The disposition of this matter is currently unknown.

12. TONY MERTILE, JUNIOR MERTILE, and JAMES LEGERME have been part of a Miami area rap / hip hop group called the "Fly Boyz" since approximately 2011, according to social media posts. Your affiant has viewed social media pictures and videos involving the Fly Boyz with TONY MERTILE, JUNIOR MERTILE and LEGERME together. From my review of Fly Boyz pictures and videos, I have seen that TONY MERTILE uses the nickname "Tickdo," JUNIOR MERTILE uses the nickname "Peanut," and James LEGERME uses the nickname "Dirty,"

13. Beginning in 2011, TONY MERTILE, JUNIOR MERTILE, and JAMES LEGERME, began incorporating companies using iterations of the Fly Boyz name. Florida Division of Corporations records show that:

- a. In November 2011, TONY MERTILE filed articles of incorporation for Fly Boyz Entertainment Inc. and listed himself as the registered agent and director. In 2011, the principal place of business, mailing address, and registered agent address were listed as 1135 NE 126th St., APT#2, North Miami, FL 33161. In July 2013, the mailing address was changed to 14155 West Dixie Hwy, Miami, FL 33161.
- b. In July 2013, TONY MERTILE filed articles of incorporation for FLY BOYZ ESTATE LLC and listed himself as the managing member. In 2013, he listed a principal place of business and mailing address of 14155 West Dixie Hwy, Apt 45, North Miami, FL 33161. As of the filing of the March 2, 2020 Annual Report, the addresses for the principal place of business, mailing address, and manager address changed to XXXX SW 18th St., Miramar, FL 33025, which is TONY MERTILE's current home address.
- c. In October 2014, James LEGERME filed articles of incorporation for Fly Boyz Properties LLC. LEGERME listed a principal place of business, mailing address, and registered agent address of 1385 NE 134 Street, North Miami, FL 33161.
- d. In November 2016, JUNIOR MERTILE filed articles of incorporation for Fly Boyz Homes LLC and listed himself as the manager. The principal office and mailing address was listed as, and remains, 16450 NE 7 Ave., North Miami Beach, FL 33162, which is believed to be TONY MERTILE's address.⁸ Upon

⁸ This address was used by TONY MERTILE for Fly Boyz Estate LLC. According to the Department of Highway Safety and Motor Vehicles, XXXXX NE 7th Ave North Miami Beach, FL, is the listed address on

incorporation, the resident agent was listed as FlyBoyz Estate LLC, 14155 West Dixie Hwy, APT 45, North Miami, FL 33161, the same address used by TONY MERTILE for other Fly Boyz entities.

TONY MERTILE was listed on the incorporation documents as the registered agent. According to the Florida Division of Corporations, in November 2019, JUNIOR MERTILE became the registered agent, and TONY MERTILE's name was removed as registered agent.

C. Fraudulent RIDLT UI Payments and IRS Tax Refunds Are Deposited into SunTrust Accounts From Which the Co-Conspirators Make ATM Withdrawals.⁹

14. The eight Sun Trust bank accounts described in this Affidavit were opened fraudulently online using stolen PII of four individuals. These bank accounts were used to receive and launder fraud proceeds from fraudulent UI applications submitted to RIDLT and from fraudulent tax returns submitted to the IRS. With the exception of the opening deposits and a \$20 deposit, these fraudulently opened SunTrust were funded by UI fraud proceeds and/or IRS tax refund fraud proceeds, and often, shortly after those deposit, those funds were withdrawn by the co-conspirators.

SunTrust Acct-7343 and Acct-7376 Fraudulently Opened in the Name of C.C. Receives Fraud Proceeds

15. On October 10, 2019, SunTrust account number XXXXXXXXX7343 ("Acct-7343 (C.C.)") and account number XXXXXXXXX7376 ("Acct-7376 (C.C.)") were opened on-line in the name of C.C., DOB XX/XX/1995, SSN ending in 9762 and an address of XXXXX NE 13th Ave. Apt. X North Miami, Florida.

TONY MERTILE's driver's license. From our investigation, we have learned that TONY MERTILE previously lived at the XXXXX NE 7th Ave North Miami Beach, FL address.

⁹For some of the transactions discussed through this Affidavit, bank records show a different date for a transaction date and the statement date. In general, transactions conducted after bank business hours will post to the account during the following business days. Unless I have state otherwise, throughout this Affidavit, when discussing ATM transactions, I am referring to the transaction date, not the clearing or posting date.

16. C.C. was interviewed and reported that he lives in Indiana, is currently employed, has never lived in Florida and has never banked at SunTrust. I have confirmed that the DOB and SSN used to open Acct-7343 (C.C.) and Acct-7376 (C.C.) were C.C.'s DOB and SSN.

17. According to the information received from SunTrust and RIDLT,¹⁰ beginning in April 2020, Acct-7343 (C.C.) and Acct-7376 (C.C.) began receiving RIDLT UI deposits in the names of multiple Rhode Island residents, none of whom were C.C. In April 2020, Acct-7343 (C.C.) and Acct-7376 (C.C.) received deposits from RIDLT for fraudulent claims made in the names of four and two Rhode Island residents,¹¹ respectively.¹² Both accounts also received deposits from tax refund payments from the Department of Treasury/Internal Revenue Service (DOT/IRS) in the names of persons other than C.C.¹³

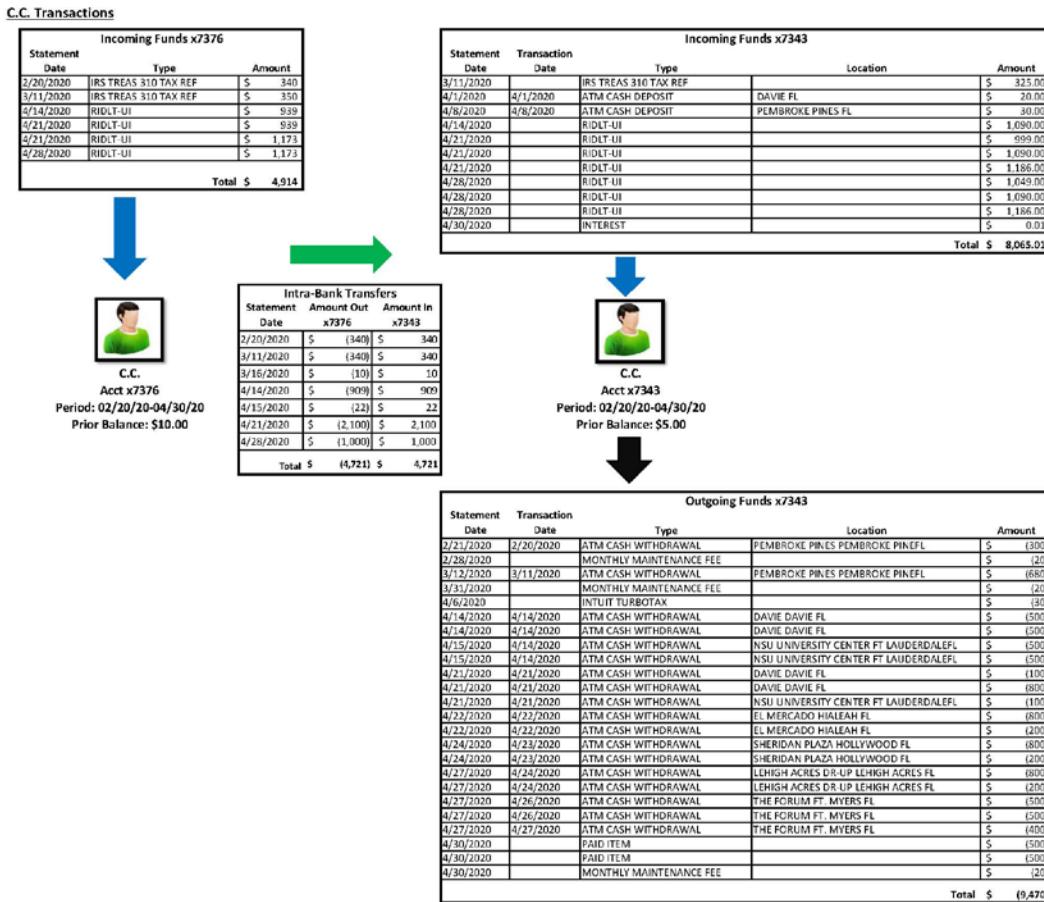
18. The graphic below shows the receipt of fraudulent deposits from RIDLT and the IRS in the two C.C. SunTrust accounts. From February 20, 2020 through April 2020, \$9,380 in multiple withdrawals were made from Acct-7343 (C.C.), along with account fees and a purchase. As described below, ATM surveillance footage shows that TONY MERTILE withdrew funds from Acct-7343 (C.C.) on March 11, 2020 and ALLEN BIEN-AIME withdrew funds from Acct-7343 (C.C.) April 24, 2020.

¹⁰ SunTrust provided a spreadsheet detailing the successful and rejected RIDLT ACH deposits into the identified SunTrust accounts. This spreadsheet included attempted and actual ACH deposit amounts, and a partial identifier (first initial(s) and last name) for the named UI beneficiary. The spreadsheet did not include deposit dates. Using this spreadsheet, SunTrust bank information, and information from RIDLT, we were able to identify the applicant names for the fraudulent UI benefit payments.

¹¹ PII of E.J. of Middletown, RI; B.J. of Charlestown, RI; D.J. of Riverside, RI; and K.K. of North Kingston, RI was used to file fraudulent UI claims that resulted in UI payments to Acct-7343 (C.C.). E.J. and K.K. have filed reports with RISP that their information was used for UI claims without their knowledge. RISP interviewed D.J. via telephone and he reported that he did not apply for UI in 2020. RISP has attempted to but has been unable to interview B.J.

¹² PII of K.J. of Pascoag and E.J. of, East Greenwich, RI was used to file fraudulent UI claims that resulted in UI payments to Acct-7376 (C.C.).

¹³ In February and March 2020, deposits of \$340 and \$350 were made to Acct 7376 (C.C.) for J.P of Bronx, NY and R.B. of Parma, MI, respectively. On March 11, 2020, a deposit of \$325 was made to Acct-7343 (C.C.) for D.B. of Quincy, MI. There were additional fraudulent filings identified by the IRS that had been filed listing Acct-7376 (C.C.) as the account for deposit, but those refunds were identified as fraudulent and stopped.



SunTrust Acct-8415 and Acct-8381 Fraudulently Opened in the Name of C.O. Receives Fraud Proceeds

19. On October 11, 2019, SunTrust Bank account number XXXXXXXXXX8415 (“Acct-8415 (C.O.)”) and account number XXXXXXXXXX8381 (“Acct-8381 (C.O.)”) were opened on-line in the name of C.O. The account applications listed a DOB XX/XX/1994, an SSN ending in 8060, and an address in Plantation, Florida. In an interview, C.O. confirmed that she did not apply for RI UI benefits and did not open these accounts. She said that she has lived in CT her entire life and has never lived in Florida. The DOB and SSN listed on the account opening documents are the true identifiers for C.O.

20. According to information from SunTrust and RIDLT, beginning in April 2020, Acct-8415 (C.O.) and Acct-8381 (C.O.) began receiving deposits from RIDLT for UI benefit payments in the names of multiple Rhode Island residents, none of whom were

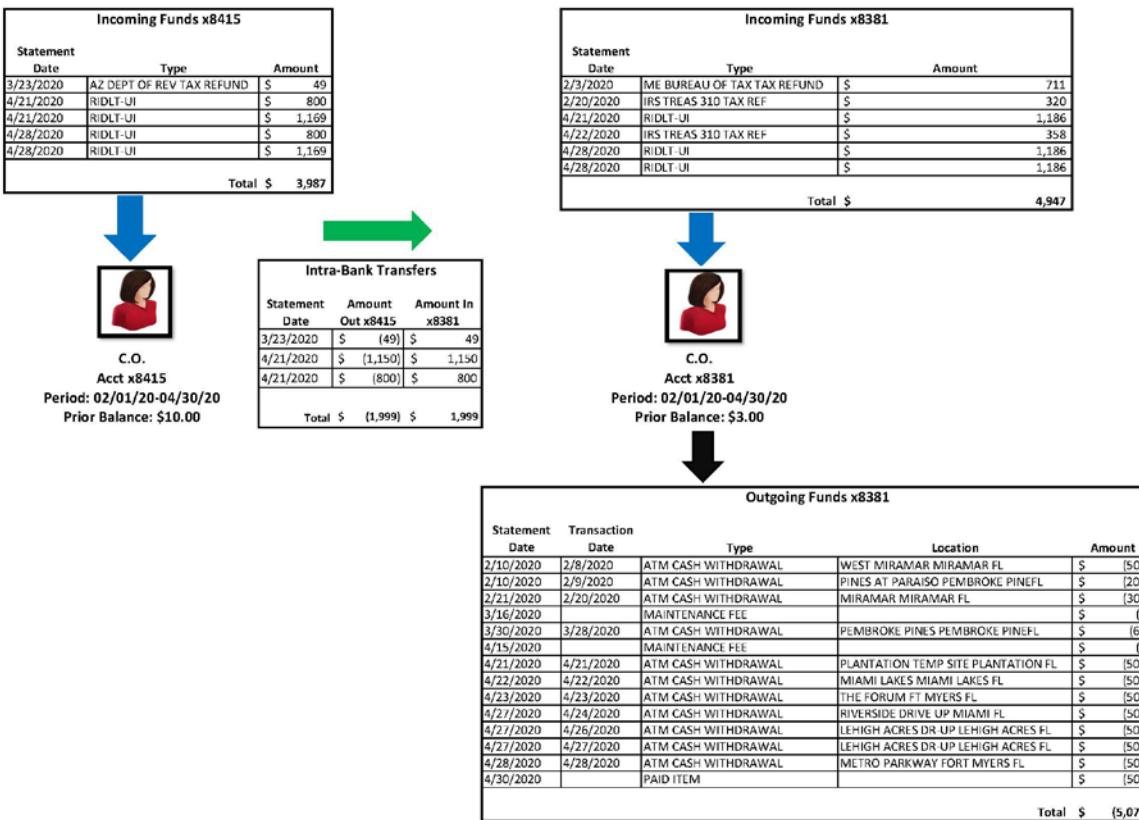
C.O. In April 2020, Acct-8415 (C.O.) received ACH deposits from RIDLT for fraudulent UI claims made in the names of two Rhode Island residents, and an attempted deposit for a UI application made in the name of a third Rhode Island citizen.¹⁴ In April, Acct-8381 (C.O.) began receiving deposits from RIDLT for UI benefit payments for three Rhode Island residents.¹⁵ There were also deposits of fraudulent tax refunds from the IRS, as well as deposits from the state tax authorities of Maine and Arizona.¹⁶

21. The graphic below shows the receipt of fraudulent deposits from RIDLT and DOT/IRS in the two SunTrust accounts fraudulently opened in the name of C.O. From February through April 2020, \$5,060 in multiple ATM withdrawals were made from Acct-8381 (C.O.), and account fees were withdrawn from the account. As described below, as shown on SunTrust ATM surveillance footage, TONY MERTILE withdrew funds from Acct-8381 (C.O.) on March 28 and April 21, 2020, and BIEN-AIME withdrew funds from Acct-8381 (C.O.) on April 24, 2020.

¹⁴ PII of B.C., of Woonsocket, RI and F.H., of Providence, RI was used to file fraudulent UI claims that resulted in UI payments to Acct-8415 (C.O.). The PII of a third person's, T.B., was also used but that payment was not successfully credited to Acct-8415 (C.O.).

¹⁵ PII of T.T., of Pascoag, RI, C.H. of Barrington, RI, and K.L., of Warwick, RI was used to file fraudulent UI claims that resulted in UI payments to Acct-8381 (C.O.). C.H. and K.L. both alerted law enforcement and/or DLT to the fraudulent claims.

¹⁶ Acct-8381 (C.O.) received deposits in February and April 2020 from the IRS for tax refunds for A.W. of El Cerrito, CA (\$320) and E.M. of Gardiner, ME (\$358). Acct-8381 (C.O.) and Acct-8415 (C.O.) each also received deposits for what appear to be state tax refunds.

C.O. Transactions

Sun Trust Acct-4445 and Acct-4478 Fraudulently Opened in the Name of R.C. Receives Fraud Proceeds

22. On October 15, 2019, two accounts, XXXXXXXXXX4445 ("Acct-4445 (R.C.)") and XXXXXXXXXX4478 ("Acct-4478 (R.C.)"), were opened on-line in the name of R.C. The applications for both accounts listed a DOB and SSN for R.C., and a Homestead, FL address.

23. R.C. was interviewed and stated that the name, DOB, and SSN used for the accounts were his actual name, DOB, and SSN. R.C. also reported that he has never lived in Florida and has never banked at SunTrust. R.C. lives in the Washington, D.C. area, has been employed for the last four years as an engineer, and has not applied for any unemployment benefits from the state of Rhode Island.

24. According to information from SunTrust and RIDLT, beginning in April 2020, Acct-4478 (R.C.) and Acct-4445 (R.C.) began receiving deposits from RIDLT for UI benefit payments in the names of multiple Rhode Island residents, none of whom were R.C. In April 2020, Acct-4478 (R.C.) received ACH deposits from RIDLT for fraudulent UI claims made in names of six Rhode Island residents,¹⁷ and Acct-4445 (R.C.) received ACH deposits for fraudulent UI claims made in names of six Rhode Island residents.¹⁸ With one exception,¹⁹ all of the RIDLT payments to the R.C. SunTrust accounts resulted from fraudulent applications using the PII of Rhode Island residents, all of whom have all reported that they did not submit applications for UI benefits. Acct-4478 (R.C.) also received the deposits from the DOT/IRS.²⁰

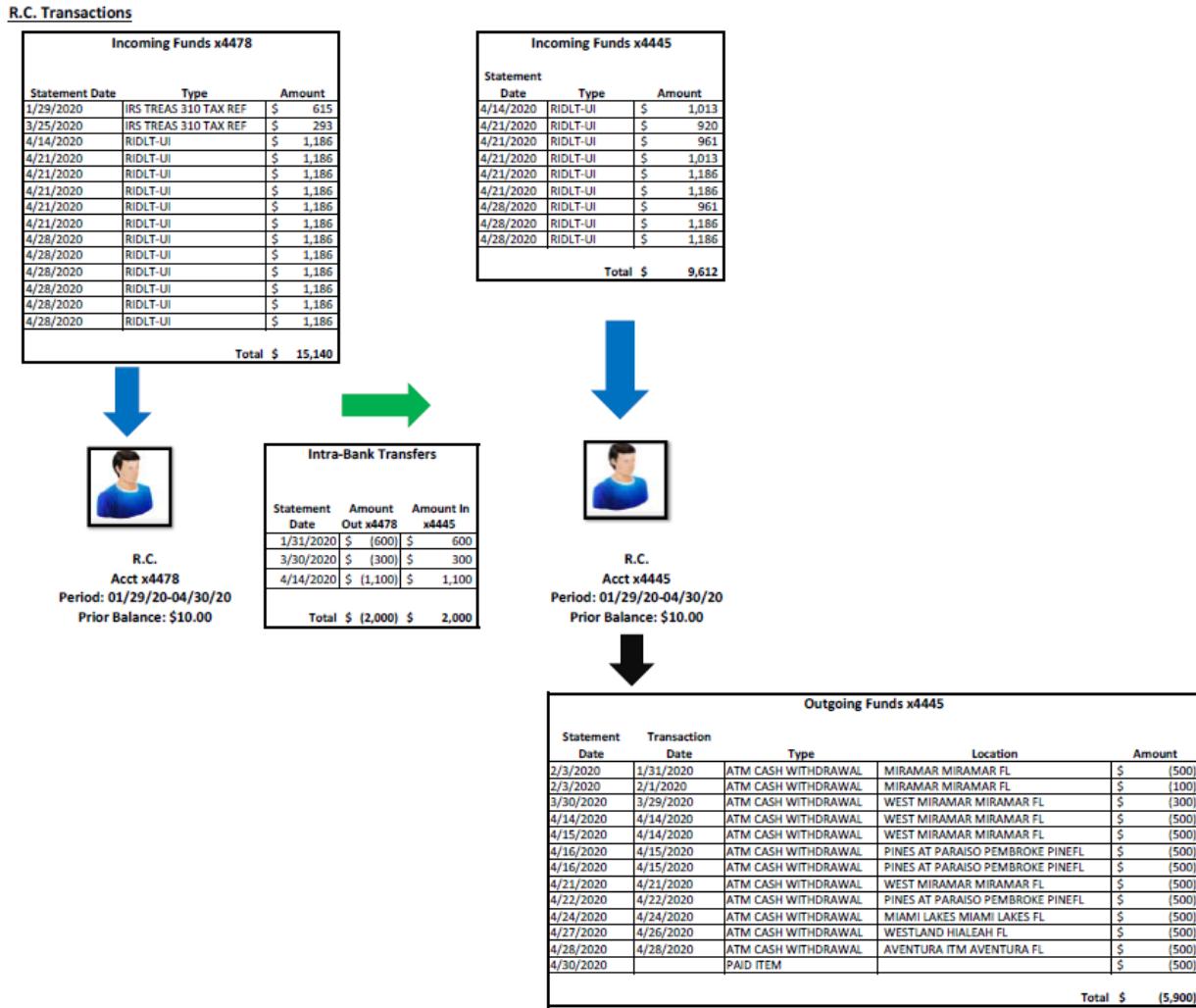
25. The graphic below shows the receipt of fraudulent deposits from RIDLT and DOT in the two SunTrust accounts fraudulently opened in the name of R.C. From January 29, 2020 through April 2020, \$5,900 in withdrawals were made from Acct-4445 (R.C.) in multiple transactions. As described below, JUNIOR MERTILE has been observed making multiple ATM withdrawals from Acct-4445 (R.C.) on April 14, 15, 21, and 22, 2020.

¹⁷ PII for D.W., of Lincoln, RI, P.W. of Harrisville, RI, M.P. of Coventry, RI, D.W., of Providence, RI, A.W., of Portsmouth, RI, and K.W., Providence, RI was used to file fraudulent UI claims that resulted in UI payments to Acct-4478 (R.C.).

¹⁸ PII of J.W. of Charlestown, RI, K.G. of Riverside, RI, N.W. of Tiverton, RI, M.W., of Lincoln, RI, A.W. of Cumberland, RI, and A.W. of East Providence, RI was used to file fraudulent UI claims that resulted in UI payments to Acct-4445 (R.C.).

¹⁹ On April 14, 2020, Acct-4445 (R.C.) received an ACH deposit from the RIDLT for \$1,013. According to RIDLT records, this payment was associated with a claim for K.G., of Riverside, RI. According to K.G., he filed a claim for UI benefits with RIDLT. However, the payment was not sent to his bank account. The payment was redirected to the R.C. SunTrust account. Based on my work on this investigation, I have learned that in a number of instances, the banking information for some bona fide RIDLT UI applicants was changed and the payment was “hijacked” or re-directed to a bank account not associated with the actual applicant. With the exception of the K.G. payment, the fraudulent claims discussed herein relate to instances in which a fraudulent UI application was filed using stolen PII, not “hijacked” UI payments.

²⁰ In January and March 2020, Acct-4478 (R.C.) received deposits of \$615 for R.S. of Stone Mountain, GA and \$293 for A.L. of Lake Odessa, MI for tax refunds.



SunTrust Acct-0992 and Acct-1024 Fraudulently Opened in the Name of C.R. Receives Fraud Proceeds

26. On November 29, 2019, SunTrust account number XXXXXXXXXX0992 (“Acct-0992 (C.R.)”) and account number XXXXXXXXXX1024 (“Acct-1024 (C.R.)”) were opened on-line in the name of C.R., DOB XX/XX/1994, SSN ending in 0479 and an address of XXXXX Little River Dr. Miami, Florida.

27. C.R. was interviewed and reported that she lives in Ohio, is currently employed, has never lived in Florida, and has never banked at SunTrust. C.R. also stated that she had never applied for UI benefits from the State of Rhode Island. I have

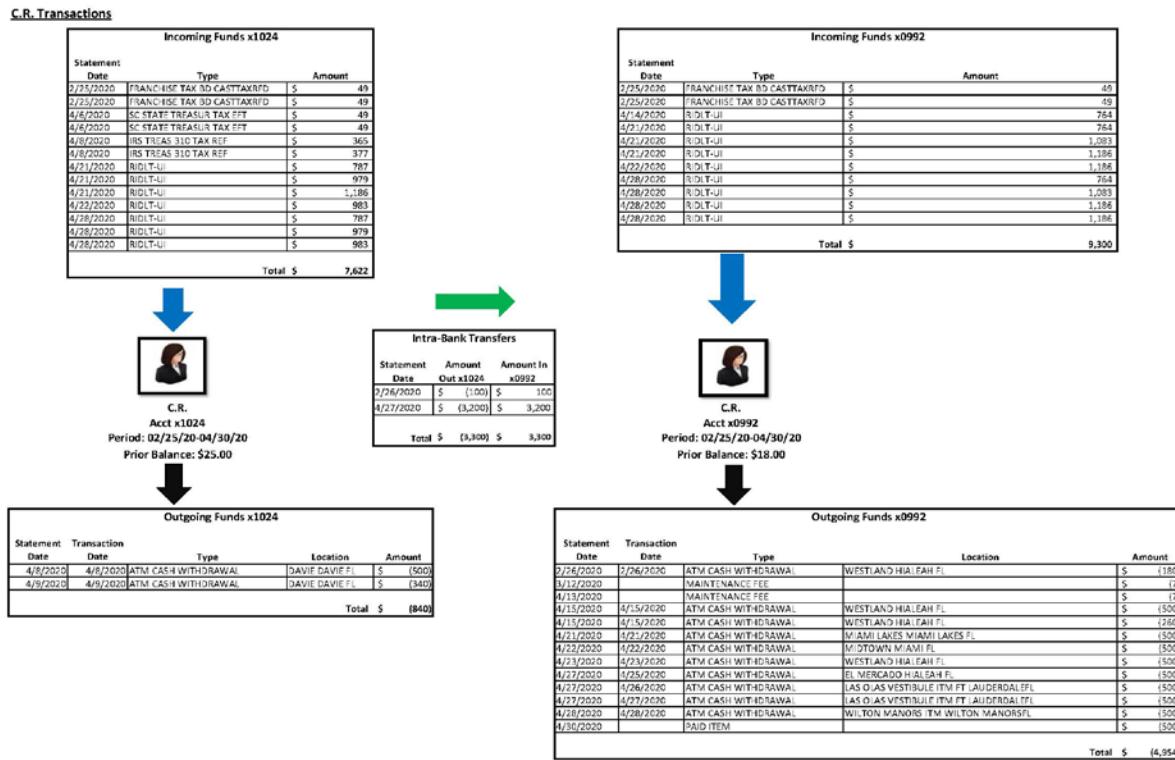
confirmed that the DOB and SSN used to open Acct-0992 (C.R.) and Acct-1024 (C.R.) were C.R.'s true DOB and SSN.

28. According to the information received from SunTrust and RIDLT, beginning in April 2020, Acct-0992 (C.R.) and Acct-1024 (C.R.) began receiving RIDLT UI deposits in the names of multiple Rhode Island residents, none of whom were C.R. In April, 2020, Acct-0992 (C.R.) received deposits from RIDLT for fraudulent claims made in the names of four Rhode Island residents.²¹ In April 2020, Acct-1024 (C.R.) received deposits from RIDLT for fraudulent claims made in the names of four Rhode Island residents.²² Acct-1024 (C.R.) also received fraudulent tax refund deposits from DOT/IRS in names of persons other than C.R., and what appear to be tax refunds from the states of South Carolina Acct-1024(C.R.) and Acct-0092(C.R.) also received what appear to be state tax refunds from California.

29. The graphic below shows the receipt of fraudulent deposits from RIDLT and other payors in the two SunTrust accounts fraudulently opened in the name of C.R. From February 25, 2020 through April 2020, ATM withdrawals totaling \$840 were made from Acct-1024 (C.R.) and \$4,440 were made from Acct-0992 (C.R.), along with account fees. As described below, LEGERME been observed withdrawing funds from Acct-0992 (C.R.) on multiple dates in April 2020.

²¹ PII of A.C. of Smithfield, RI, M.M. of Cranston, RI, J.O. of Providence, RI, and T.W. of Warwick, RI. A.C., J.O. and T.W. was used to file fraudulent UI claims that resulted in UI payments to Acct-0992 (C.R.). All of these individuals have filed reports of identity theft with the RISP.

²² PII of A.C. of Warwick, RI, G.G. of Providence, RI, L.H. of East Providence, RI, and S.W. of Greenville, RI. was used to file fraudulent UI claims that resulted in UI payments to Acct-1024 (C.R.) L.H. and S.W. have filed reports of identity theft with the RISP.



30. Based on my training and experience, and my work on this investigation, I believe that the SunTrust accounts in the names of C.C., C.O., R.C., and C.R., were opened by and/or with the knowledge of BIEN-AIME, TONY MERTILE, JUNIOR MERTILE, and LEGERME, who were working in concert for the purpose of receiving and laundering fraud proceeds from various schemes, including the UI fraud on RIDLT. I further believe that the SunTrust accounts were opened in the names of individuals others than the persons whose PII was used to submit the fraudulent UI claims, to create a multi-layered aspect to the banking transactions in an effort to shield the perpetrators from detection by law enforcement. I also believe that the general pattern of withdrawal of the funds in the specific eight fraudulently opened accounts discussed herein shows that the co-conspirators were knowledgeable about when the funds were received, and made withdrawals shortly after deposits of fraud proceeds, to transfer and/or withdraw funds.

D. Identification of Cell Phones Used By Co-Conspirators and Calls between Co-Conspirators.

31. During the investigation, we identified telephones numbers associated with each the co-conspirators. As discussed below in Section II.E of this Affidavit, through cell site location information, and toll analysis, we have been able to determine that cell phones used by the co-conspirators were in the area of ATM locations when the co-conspirators were withdrawing fraud proceeds. Toll and pen register data also shows regular contact between the co-conspirators.

Cell Phone Numbers for TONY MERTILE

32. According to AT&T records, the subscriber for 786-473-3678 (TARGET TELEPHONE 1) is Tommy Miller and the listed subscriber address is 9935 Miramar Parkway, Miramar, FL 33025. This subscriber address is the address of a Cricket Wireless store.²³ Based on my training and experience, I know that criminals often use fictitious subscriber names; sometimes fictitious names with initials that match their own; and often use fake subscriber addresses or don't list any subscriber address, all in an effort to avoid detection.

33. Records from the Florida Department of Highway Safety and Motor Vehicles (FL DHSMV) for Lumcha Brunvil Mertile, TONY MERTILE's wife, lists TONY MERTILE and phone number 786-473-3678 (TARGET TELEPHONE 1) for her emergency contact. As described below, TARGET TELEPHONE 1 was in the area of ATMs during the times of eight suspect ATM transactions, including on dates when TONY MERTILE can be seen in surveillance video making ATM withdrawals. For these reasons, I believe that cell phone number (786) 473-3678 ("TARGET TELEPHONE 1") is used by TONY MERTILE.

34. I also believe that TONY MERTILE is in possession of and uses one or more additional phones. According to Bank of America records, in customer

²³ Cricket Wireless operates on the AT&T cell phone network.

information for Fly Boyz Estate LLC, TONY MERTILE lists a cell phone number of 786-419-3098, which is a different number than TARGET TELEPHONE 1. Also, I have viewed a 2018 YouTube video that shows TONY MERTILE with 2 phones, and what appears to be multiple firearms. Based on my training and experience, I know that criminals often multiple phones and/or prepaid or “burner” phones to prevent law enforcement from identifying the user of the cell phone.

Cell Phone Numbers for ALLEN-BIEN AIME

35. According to T-Mobile records, cell phone (786) 520-0153 (“TARGET TELEPHONE 2”) lists a subscriber of Aja Torchon of XXXX 40th W St. Lehigh Acres, Florida.

36. Aja Torchon is BIEN-AIME’s significant other. According to the FL DHSMV, XXXX 40th W St. Lehigh Acres, Florida is the address of record for BIEN-AIME and Torchon, and BIEN-AIME and Aja Torchon are co-owners of a black, 2019 Volkswagen bearing Florida registration GTIN87, VIN 1V2DR2CA0KC551603. As discussed below, on April 24, 2020, TARGET TELEPHONE 2 was in the area of two ATMs from which fraudulent withdrawals were made, including for one transaction when surveillance video shows BIEN-AIME making a withdrawal. TARGET TELEPHONE 2 (BIEN-AIME) was in contact with, and in proximity to TARGET TELEPHONE 1 (TONY MERTILE) after and before BIEN-AIME made fraudulent ATM withdrawals on April 24, 2020; and on April 24, 2020, TARGET TELEPHONE 2 called Amazon Fulfillment Services, where BIEN-AIME had been employed. For these reasons, I believe that TARGET TELEPHONE 2 is used by BIEN-AIME.

37. According to toll data, TARGET TELEPHONE 2 has not been active since approximately July 22, 2020.

38. I also believe that BIEN-AIME is in possession of and uses another call phone. In the subscriber information for his email address, allenbienaime@yahoo.com, BIEN-AIME listed a different cell phone number of 305-560-9262 (“9262”). As discussed more below, 9262 has been in contact with TONY MERTILE. Between July 4 and

August 15, 2020, 9262 was in contact with TARGET TELEPHONE 1 (TONY MERTILE) 50 times. Based on my training and experience, I believe that BIEN-AIME stopped using TARGET TELEPHONE 2 with MERTILE and thereafter started using 9262. I also know that criminals will often change phones to avoid detection.

Cell Phone Number for JUNIOR MERTILE.

39. According to T-Mobile records, telephone number 305-775-6391 ("6391") lists a subscriber of Peanut Alfred, 1500 NE 145th St., Miami, FL.²⁴ According to information obtained from social media sites, public internet searches, and from a Wells Fargo investigator, while part of the rap / hip hop group Fly Boyz, JUNIOR MERTILE used the nickname was Peanut. Also, according to toll records, the top contact for 6391 is JUNIOR MERTILE's wife. For these reasons, I believe that JUNIOR MERTILE is the user of 6391.

Cell Phone Numbers for James LEGERME

40. According to TMOBILE records, telephone number (954) 842-6041 ("6041") lists a subscriber of TONY MERTILE, and an address of 1215 NE 132nd St, North Miami, FL 33161. However, in customer records from Bank of America, James LEGERME lists 6041 as his cell phone number for his personal and business account at Bank of America. As discussed below, on April 22, 2020, cell phone 6041 was in the vicinity of an ATM at location 1045 5th St Miami Beach, Florida, and which LEGERME was seen making a withdrawal from a fraudulently opened account. After that transaction, LEGERME called his wife using cell phone 6041. For these reasons, I believe that cell phone 6041 is used by LEGERME, not the listed subscriber TONY MERTILE.

41. From AT&T records, I have learned that phone number (522) 414-7917 ("7917") is a cell phone number associated with an infotainment system in a vehicle bearing VIN C6RR6JT1JS117950. According to FL DHSMV records, the vehicle bearing

²⁴ We have not yet been able to identify what association, if any, JUNIOR MERTILE has to this address.

VIN C6RR6JT1JS117950 is a silver 2018 Dodge Ram, bearing Florida registration JNCT73, and is registered to LEGERME. As discussed below, cell phone number 7917 was present at 12 ATM locations at which fraudulent withdrawals occurred.

Contacts between Co-Conspirators

42. According to toll records and pen register data, BIEN-AIME and TONY MERTILE were in regular contact²⁵ from at least April 2020 through August 2020. BIEN-AIME appears, according to toll data, to only be in contact with TONY MERTILE. TONY MERTILE, JUNIOR MERTILE, and LEGERME are all in contact with each other.

- a. TONY MERTILE (TARGET TELEPHONE 1) and BIEN-AIME (TARGET TELEPHONE 2) had 137 contacts between April 14, 2020 and July 4, 2020. From July 4, 2020 through August 15, 2020, TONY MERTILE (TARGET TELEPHONE 1) and 9262 (BIEN-AIME's other phone), had 50 contacts.
- b. TONY MERTILE and JUNIOR MERTILE had 117 contacts between April 6, 2020 and September 29, 2020.
- c. TONY MERTILE and LEGERME had 570 contacts between April 1, 2020 and October 1, 2020.
- d. JUNIOR MERTILE and LEGERME had 283 contacts between August 21, 2020 and October 1, 2020 (tolls and pen register).²⁶

Based on my training and experience, as well as the facts described herein, this level of contact are consistent with communications in furtherance of a conspiracy.

²⁵ A "contact" can be a call, a text, or a voice mail. Contacts only reflect activity on a cell service network.

²⁶ We do not yet have the records to show contacts between JUNIOR MERTILE and LEGERME prior to August 2020.

E. Co-Conspirators Made Withdrawals of Fraud Proceeds From the SunTrust Accounts.

43. Allen BIEN-AIME, TONY MERTILE, JUNIOR MERTILE, and James LEGERME have all been seen on ATM surveillance footage making ATM withdrawals from fraudulently opened SunTrust accounts.²⁷ In addition, cell site location data also shows that cell phones used by TONY MERTILE, BIEN-AIME, and LEGERME were in the area of the ATMs at the time of withdrawals from the fraudulently opened accounts.

TONY MERTILE Withdraws Fraud Proceeds from Acct-7343 (C.C.) and Acct-8381(C.O.).

44. On March 11, 2020, an African American male with long hair can be seen on ATM surveillance footage at the ATM at 10000 Taft Street, Pembroke Pines, FL, withdrawing funds from Acct-7343 (C.C.). On March 28, 2020, the same individual can be seen withdrawing funds from Acct-8381 (C.O.) at the same ATM. Also, on both March 11 and 28, 2020, the individual at the ATM is driving a vehicle that appears to be a Dodge Ram pickup. Comparing ATM surveillance footage and a photograph from the FL DHSMV for TONY MERTILE, I believe that MERTILE is the individual at the ATMs in the surveillance footage on March 11 and March 28, 2020. Further, according to FL DHSMV records, TONY MERTILE has a silver Dodge RAM pickup truck, plate number I017W, VIN 1C6RR6JT0HS542151 registered in his name. Finally, cell site location data shows that TARGET TELEPHONE 1 was in the vicinity of the ATM location at 10000 Taft Street, Pembroke Pines, FL on March 11, 2020 and March 28, 2020 at the time of each of these withdrawals.

45. According to SunTrust records, on April 21, 2020, at 10:05 a.m., \$500 was withdrawn from Acct-8381 (C.O.) at the 8118 W. Broward Blvd, Plantation, Blvd ATM.

²⁷ SunTrust initially provided ATM surveillance photographs for a number of ATM withdrawals from accounts that had received RIDLT UI deposits, and which were suspected to be fraudulent. In providing these photographs, SunTrust representatives indicated that they believed one person was making all the ATM withdrawals. Upon review of these materials, we determined that the photographs showed two people making the withdrawals, TONY MERTILE and BIEN-AIME. As the investigation progressed, we requested and received additional ATM surveillance footage for other ATM transactions, and from these materials, we identified other transactions with JUNIOR MERTILE and LEGERME.

According to cell site data, TARGET TELEPHONE 1 was in the vicinity of that ATM at 10:06 a.m. ATM surveillance footage has not yet been received for this transaction.

46. Also, on the following dates and locations, ATM withdrawals were made from SunTrust accounts into which fraudulent RIDLT UI payments were deposited. Upon review of the ATM surveillance photographs provided by SunTrust for these transactions, I believe that TONY MERTILE is shown the person making ATM withdrawals. Of note, two of these transactions, on March 11, 2020 and March 28, 2020, were made on the same date that TONY MERTILE can be seen at the ATM location at 10000 Taft Street, Pembroke Pines, FL withdrawing from Acct-7343 (C.C.) and Acct-8381 (C.O.). According to cell site location data, TARGET TELEPHONE 1 was in vicinity of these ATMs listed in this chart near the time of the suspect ATM transactions.²⁸

Date	Address	City	State
3/9/2020	8118 West Broward Boulevard	Plantation	FL
3/11/2020	8250 Miramar Parkway	Miramar	FL
3/18/2020	8250 Miramar Parkway	Miramar	FL
3/28/2020	8118 West Broward Boulevard	Plantation	FL
4/21/2020	3115 South University Drive	Davie	FL
4/22/2020	2400 W 60th Street	Hialeah	FL

47. In summary, TONY MERTILE has been identified from ATM surveillance footage as making ATM withdrawals from SunTrust accounts in the names of other persons, and into which fraudulent funds were deposited. Further, cell site location information places TARGET TELEPHONE 1, a phone believed to be used by MERTILE, in the vicinity of ATMs at the time of the withdrawals known to be and believed to be fraudulent. For all these reasons, and based on my training and experience, I believe

²⁸ These ATM transactions were identified by SunTrust based on the accounts having received funds from RIDLT that were suspected to be fraudulent. Because we have not yet received all of the ATM logs, we are unable to identify the specific bank accounts from which TONY MERTILE made the ATM withdrawals.

that TONY MERTILE is the user of TARGET TELEPHONE 1, and that he has had that cell phone in his possession while he was making fraudulent ATM withdrawals from SunTrust ATMs.

BIEN-AIME Withdraws Fraud Proceeds from Acct-8381 (C.O.) and Acct. 7343 (C.C.).

48. According to SunTrust records, on April 24, 2020, at 3:46 p.m., \$500 was withdrawn from Acct-8381(C.O.) at a SunTrust ATM at 100 NW 12th Avenue, Miami, FL. The ATM surveillance photo, timestamped 3:45 p.m., shows a male wearing a mask at the ATM. Later in the day on April 24, 2020, at 9:34 p.m. and 9:35 p.m., two ATM withdrawals for \$200 and \$800 were made from Acct. 7343 (C.C.) at a SunTrust ATM at 1110 Homestead Road, Lehigh Acres, FL, which is near Fort Meyers, on the west coast of Florida, approximately 140 miles from Miami. ATM surveillance footage from the Lehigh Acres ATM, time stamped 9:33 p.m., shows an individual wearing the same clothing and same mask as the person at ATM at 100 NW 12th Avenue, Miami, FL at 3:45 p.m.²⁹ Comparing the ATM surveillance photos and a photograph from the FL DHSMV of BIEN-AIME, I believe BIEN-AIME to be the individual making the withdrawals from the two different accounts, at the Miami and Lehigh Acres ATMs, on April 24, 2020.

49. In addition to the surveillance footage, cell site location data shows that TARGET TELEPHONE 2, which is believed to be used by BIEN-AIME, was in the vicinity of the ATM at 100 NW 12th Avenue, Miami, FL on April 24, 2020 at 3:42 p.m. Cell phone records also show that TONY MERTILE and BIEN-AIME were in contact on April 24, 2020 shortly before 3:45 p.m., the time when BIEN-AIME withdrew fraud proceeds from Acct-8381 (C.O.) at a SunTrust ATM at 100 NW 12th Avenue, Miami, FL. At 3:42 p.m., TARGET TELEPHONE 1 (TONY MERTILE) called TARGET TELEPHONE 2 (BIEN AIME) while TARGET TELEPHONE 2 was in the vicinity of the 100 NW 12th

²⁹ I note that, for the surveillance footage from 9:33 p.m. for the 9:35 p.m. withdrawal, the text of the video covers BIEN-AIME's face but based on my viewing of his clothes, mask, and hairstyle, as well as the proximity to his residence, I believe that the footage depicts BIEN-AIME.

Avenue, Miami, FL ATM. The two men continued to talk after BIEN-AIME made the ATM withdrawal, and appear to have met in person after the ATM transaction. At 3:50 p.m., while still in the vicinity of the ATM, BIEN-AIME made another call. At 4:16 p.m., TARGET TELEPHONE 1 (TONY MERTILE) called TARGET TELEPHONE 2 (BIEN AIME) and both phones were in the area of 175th St, Miami Gardens, FL. Thereafter, TARGET TELEPHONE 2 (BIEN AIME) called TARGET TELEPHONE 1 (TONY MERTILE) one more time at 6:02 p.m. Later that evening, after BIEN-AIME is captured on ATM surveillance footage at 9:33 p.m. at the Lehigh Acres ATM, at 9:54 p.m., BIEN-AIME (TARGET TELEPHONE 2) called TONY MERTILE (TARGET TELEPHONE 1). Based on my training and experience, I know that co-conspirators will often meet after conducting illegal activity to discuss their actions and/or divide the proceeds of the activity. I believe that the cell site location data showing both cell phones in the same vicinity indicate that TONY MERTILE and BIEN AIME were together after BIEN-AIME's ATM withdrawal of fraud proceeds, and before BIEN-AIME drove to the Lehigh Acres area, where he made additional ATM withdrawals.

50. Cell site location data does not show TARGET TELEPHONE 2 in the vicinity of the ATM at 110 Homestead Road, Lehigh Acres, FL on April 24, 2020, where BIEN-AIME was captured on surveillance footage at 9:33 p.m. However, I know from my training and experience that if a cell phone is turned off or not in use, it will not connect with a cell tower. Further, I note that at 10:05 p.m., approximately 30 minutes after BIEN-AIME can be seen making two withdrawals at the Lehigh Acres ATM, TARGET TELEPHONE 2 called 1-888-892-7180 (Amazon Fulfillment Center). At the time of that call, TARGET TELEPHONE 2 was approximately 2-3 miles from the Lehigh Acres ATM.

51. Of note, on April 24, 2020, BIEN-AIME withdrew fraudulent funds from Acct-7343 (C.C.) and Acct-8381 (C.O.), which are the same accounts that TONY MERTILE withdrew from on March 11 and 28, 2020. Based on my training and experience, I believe that TONY MERTILE and BIEN-AIME used the same debit cards,

and after MERTILE made withdrawals using the debit cards for these accounts, he gave the debit cards to BIEN-AIME.

JUNIOR MERTILE Withdraws Fraud Proceeds from Acct-4445 (R.C.) and another Account.

52. According to SunTrust records, on April 14, 2020, two \$500 ATM withdrawals were made from the SunTrust ATM at 14425 Miramar Pkwy, Miramar, FL from Acct-4445 (R.C.) at 11:57 a.m. and 4:38 p.m. Surveillance footage from the two withdrawals shows a dark skinned male at the ATM. Footage from the later transaction also show that male driving a dark colored Infiniti sedan bearing a Florida registration beginning with JEE and ending in 71. I have compared the FL DHSMV license photo for JUNIOR MERTILE to the ATM surveillance footage from these withdrawals and believe that JUNIOR MERTILE is the individual making both withdrawals. FL DHSMV records show that a dark Infiniti sedan bearing Florida registration JEEK71, VIN JN1BV7APXEM676439, is registered to JUNIOR MERTILE's wife, TIOSHA MERTILE, at their shared address.

53. SunTrust ATM surveillance footage also shows JUNIOR MERTILE making multiple withdrawals at a single ATM on April 21, 2020, shortly after 7:00 a.m. At 7:07 a.m., JUNIOR MERTILE withdrew \$800 from an account for which the account number has not yet been identified and at 7:08 a.m., he unsuccessfully attempted a second transaction on that same account. At 7:08 a.m., he withdrew \$200 from the same account from which he had just withdrawn \$800. Thereafter, at 7:10, he made two \$500 withdrawals on April 21, 2020, at 7:10 a.m., at the SunTrust ATM at 14425 Miramar Pkwy, Miramar, FL from Acct-4445 (R.C.) and another fraudulently opened SunTrust account in the name D.F. For these transactions, surveillance footage shows that JUNIOR MERTILE is driving a grey Dodge Charger bearing Florida registration DFVK86. Records show that vehicle was rented by JUNIOR MERTILE from Enterprise Rent-A-Car.

54. On April 22, 2020, SunTrust ATM footage shows JUNIOR MERTILE at the Pines Parasio SunTrust ATM located at 15701 Pines Blvd. Pembroke Pines, FL at

approximately 3:21 p.m. Although we do not have the ATM logs³⁰ to confirm the specific transaction, the bank statement for Acct-4445 (R.C.) shows a \$500 withdrawal on April 22, 2020 from the Pines Parasio ATM located at 15701 Pines Blvd., Pembroke Pines, FL. The surveillance footage also shows MERTILE driving the same rented Dodge Charger bearing Florida registration DFVK86 that he was driving the day before.

55. As discussed above, JUNIOR MERTILE, made a withdrawal from the Pines Parasio ATM located at 15701 Pines Blvd., Pembroke Pines, FL on April 22, 2020 at 3:21 p.m. Toll records show the following calls (durations noted) between TONY MERTILE and ALLEN BIEN-AIME on April 22, 2020 before and after JUNIOR MERTILE's withdrawal. At 3:03 p.m. (21 seconds) and 3:05 pm (3 min, 41 second call), TONY MERTILE (TARGET TELEPHONE 1) called ALLEN BIEN-AIME (TARGET TELEPHONE 2). At 3:23 p.m. (3 minutes, 44 seconds), after the withdrawal, BIEN-AIME (TARGET TELPEHONE 2) calls TONY MERTILE (TARGET TELEPHONE 1) and at 3:27 pm (4 s), TONY MERTILE called BIEN-AIME (TARGET TELPEHONE 2). Based on my experience, I believe that they were in contact about the withdrawal that JUNIOR was making on, and thereafter that he had made.

LEGERME Withdraws Fraud Proceeds from Acct-0992 (C.R.) and another Account.

56. According to SunTrust records, as noted in the chart below, on various dates between April 14, 2020 and April 27, 2020, ATM withdrawals were made from Acct-0992 (C.R.), and another fraudulently opened SunTrust account,

³⁰ATM logs or journals show the date, time, location, cardholder number (which is different than the account number), and amount of a transaction. Bank statements, in contrast, show the date, location, and amount, but generally not a time of an ATM transaction.

Acct.XXXXXXXXXX1628 in the name of E.R (Acct-1628 (E.R.)), on the following dates at the listed Florida ATM locations:

Date	Address	City	Account	Withdrawal Amount
April 14, 2020	15101 Northwest 67th Ave	Miami Lakes	Acct-1628 (E.R.)	\$500 (2 times)
April 15, 2020	1740 West 49th St.	Hialeah	Acct-0992 (C.R.)	\$500
April 15, 2020	1740 West 49th St.	Hialeah	Acct-0992 (C.R.)	\$260
April 16, 2020	1740 West 49th St.	Hialeah	Acct-1628 (E.R.)	\$500
April 21, 2020	15101 Northwest 67th Ave.	Miami Lakes	Acct-0992 (C.R.)	\$500
April 22, 2020	1045 5th St.	Miami Beach	Acct-1628 (E.R.)	\$500
April 22, 2020	1400 Northwest 20th St.	Miami	Acct-0992 (C.R.)	\$500
April 23, 2020	1740 West 49th St.	Hialeah	Acct-0992 (C.R.)	\$500
April 25, 2020	2400 West 60th St.	Hialeah	Acct-0992 (C.R.)	\$500
April 26, 2020	501 E. Las Olas Blvd.	Ft. Lauderdale	Acct-0992 (C.R.)	\$500
April 27, 2020	501 E. Las Olas Blvd.	Ft. Lauderdale	Acct-0992 (C.R.)	\$500

Surveillance photographs from the ATMs show an African American male wearing a mask and a hat with the words “Puerto Rico” making those withdrawal accounts, with the exception of April 15, 2020 where he is not wearing the hat. The male can be observed on a cellphone on some of these dates. I have compared the photographs from the surveillance footage from the above ATM transactions with a FL DHSMV photo of LEGERME, social media photographs of LEGERME, and a Wells Fargo ATM surveillance photograph of LEGERME from February 27, 2020 (in which he is wearing the same Puerto Rico hat). From my review of these images, I believe that LEGERME is the man making the ATM withdrawals at the SunTrust ATMs in the above chart.

57. Historical cell site data showed that cell phone number 7917, which is associated with the infotainment system in LEGERME’s Dodge Ram, was present in the vicinity of 10 of the 11 ATM locations in the above chart (¶ 56) at which fraudulent withdrawals occurred.³¹

³¹ As described above, in our investigation, we identified cell phone 6041 as a cell phone believed to be used by LEGERME. Cell site location data does not show this cell phone in the area of the ATM

F. TONY MERTILE and LEGERME Are Linked to UI Frauds in Other States.

58. In our investigation, we have identified IP addresses associated with LEGERME and TONY MERTILE. Those IP addresses have been linked to UI fraud in 11 states (LEGERME) and UI fraud in Rhode Island in addition to fraud involving SunTrust accounts (TONY MERTILE).³²

59. Following the discovery of nationwide UI fraud in the wake of the CARES Act, DOL/OIG, through issuance of administrative subpoenas, requested and received records from Rhode Island and other states about UI benefit claims filed in their jurisdictions. That information includes IP addresses that were used to file the online UI benefit applications in that jurisdiction.

60. From our investigation, IP address 172.58.14.248 was identified from Bank of America records as an IP address used to log into a bank account opened by LEGERME. Bank of America records show that IP address 172.58.14.248 was used on March 30, 2020 to access a LEGERME Bank of America account.

61. The DOL/OIG records show that from April 2, 2020 through July 31, 2020, IP address 172.58.14.248, the IP address used to log in to LEGERME's Bank of America account on March 30, 2010, was used to file 54 UI claims in Arizona, Indiana, Massachusetts, Maryland, Michigan, Mississippi, Nevada, Oklahoma, Pennsylvania, Texas, and Washington in over 50 different names, none of which were for LEGERME. Also, in May 2020, IP address 172.58.14.248 was used to log in multiple times to Green Dot accounts for two persons with listed addresses in Illinois and Washington.³³ Based on the number of jurisdictions that received fraudulent applications from an IP address associated with LEGERME, I believe that his involvement in UI fraud extends beyond

transactions in the above chart. I know from my training and experience that criminal will often have more than one phone in use, and as stated above, unless a phone is turned on or in use, it will not show as in the vicinity of a cell tower.

³² We have not yet received subscriber information for these IP addresses.

³³ I know from my work on this investigation that Green Dot pre-paid debit cards were used to receive fraudulent UI benefit payments from Rhode Island and other states.

the fraud on RIDLT and the fraud described herein involving RIDLT UI benefit payments to SunTrust accounts.

62. TONY MERTILE is believed to use the email address tickdo@yahoo.com. Yahoo subscriber information for tickdo@yahoo.com lists a cell phone number of 786-419-3098 on the account. As described above, in paragraph 34, 786-419-3098, is listed in Bank of America customer information for an account of TONY MERTILE. Further, 786-419-3098 is listed as the billing contact number on the subscriber information for cell phone 6041, which, as described above, is subscribed to in TONY MERTILE's name, but used by LEGERME.

63. An FBI analyst compared IP addresses used to log into MERTILE's yahoo account against IP addresses that were used to submit online UI applications to RIDLT, and discovered that IP addresses used to log in to MERTILE's Yahoo account were used to file approximately 221 applications with RIDLT. These applications listed bank accounts for UI benefit payments, including included Sutton Bank, Green Dot, Pawtucket Credit Union, Bank of America, Citizens Bank, Chase, TD Bank, Wells Fargo, Webster Bank, Go Bank, and Green Dot. I note that none of these banks were SunTrust. From my work on this investigation, and my training and experience, I believe this information shows that TONY MERTILE, was involved in fraudulent UI activity in addition to activity involving SunTrust accounts.

64. Further, in our investigation, according to Wells Fargo bank records, JUNIOR MERTILE is the sole account holder for checking account number ending in 9830.34 From February 2020 through April 2020, that account received approximately \$926 in California and State of Maryland tax refunds. These state tax refunds were in names other than JUNIOR MERTILE. Based on my training and experience, as well as my review of SunTrust bank records, I believe that JUNIOR MERTILE and his co-conspirators were involved in tax refund fraud in addition to the UI fraud described

³⁴ JUNIOR MERTILE listed a Wells Fargo statement mailing address of XXXX NE 134th St, North Miami FL 33161-4311. The same address was used for Bank of America accounts in the name of LEGERME.

herein, and that in these limited instances, used JUNIOR MERTILE's personal bank account, rather than bank accounts opened for the purpose of receiving fraud proceeds.

65. Based on my training and experience, and the use of IP addresses associated with both LEGERME and TONY MERTILE to seek UI benefits like those deposited into the SunTrust accounts described herein in Rhode Island and elsewhere and that LEGERME and TONY MERTILE were involved, along with ALLEN BIEN-AIME and JUNIOR MERTILE, in the withdrawal of fraudulent UI benefit payments, I believe that the co-conspirators are working together to file UI benefit applications in multiple states, including Rhode Island, and to withdraw the proceeds from those fraudulent payments from the various banks to which the payments were directed.

III. REQUEST FOR SEALING

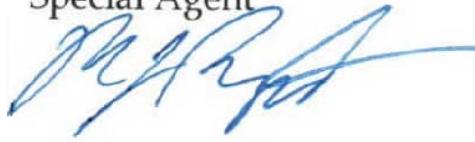
66. Because this investigation is continuing and disclosure of some of the details of this affidavit may cause the targets or other affiliated persons to flee or further mask their identity or activities, destroy physical and/or electronic evidence, or otherwise obstruct and seriously jeopardize this investigation, I respectfully request that this affidavit, and associated materials seeking this search warrant, be sealed until further order of this Court. Finally, I specifically request that the sealing order not prohibit information obtained from this warrant from being shared with other law enforcement and intelligence agencies.

IV. CONCLUSION

67. For all of the reasons described above, there is probable cause to arrest ALLEN BIEN-AIME, TONY MERTILE, JUNIOR MERTILE, and JAMES LEGERME for the Specified Federal Offenses, and I respectfully request the issuance of arrest warrants for ALLEN BIEN-AIME, TONY MERTILE, JUNIOR MERTILE, and JAMES LEGERME.

Matthew J. Riportella

Special Agent

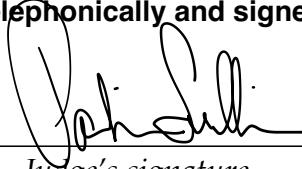


FEDERAL BUREAU OF INVESTIGATION

Attested to by the applicant in accordance with the requirements of Fed.
R. Crim. P. 4.1 by telephone. **Sworn telephonically and signed electronically**

October 6, 2020

Date



Judge's signature

Providence, RI

City and State

Patricia A. Sullivan, US Magistrate Judge

Printed name and title